
OLR Bill Analysis

sHB 6279

AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES INCLUDING THE UTILIZATION OF RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH INTELLECTUAL DISABILITY.

SUMMARY:

This bill updates terminology used by the Department of Developmental Services (DDS) and the Office of Protection and Advocacy for Persons With Disabilities (OP&A) in their provision of services. It substitutes the term “intellectual disability” for “mental retardation” to reflect changes in federal law and within the developmental disabilities community. It also uses the term “autism spectrum disorder” instead of just “autism” to encompass all autism diagnoses on the autism spectrum. It also:

1. specifies that DDS regulations include requirements regarding quality service reviews in addition to licensing inspections and that at least half of all quality service reviews, licensing inspections, or facility visits DDS conducts after initial licensure must be unannounced;
2. removes the licensure requirement for residential facilities, instead requiring only community living arrangements or community companion homes to obtain DDS licensure (these are the only facilities DDS currently licenses in practice);
3. eliminates the requirement that each DDS contract to construct, renovate, or rehabilitate a community-based residential facility be awarded to the lowest responsible and qualified bidder through the competitive bid process established by department regulations (DDS must still comply with state contracting laws);
4. repeals the requirement that the Camp Harkness Advisory

Committee annually report to the DDS commissioner and the Public Health Committee on the camp's status;

5. replaces statutory references to "community training homes" with "community companion homes and community living arrangements" to reflect updated terminology;
6. removes the statutory definition of "employment opportunities and day services;"
7. specifies that anyone aggrieved by a DDS regulatory requirement or licensure denial or revocation may request an administrative hearing under the Uniform Administrative Procedure Act; and
8. repeals certain statutory provisions.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

REPEALERS

The bill repeals the following:

1. the requirement that DDS annually report to the Public Health and Appropriations committees regarding regional comparisons of staff-to-client ratios, program and per-client service costs, and gaps between people served and those requesting services;
2. the provision allowing DDS to directly purchase, within available appropriations, up to \$3,500 of wheelchairs, placement equipment, and clothing specifically designed for handicapped persons;
3. the provision exempting a resident placed in a private boarding home who is recalled for a physical and mental examination from the per diem fee for a recall period of up to 10 days; and

4. provisions related to the recommitment and transfer of DDS clients from a state institution to the Southbury Training School, state developmental services region, or any state facility for individuals with developmental disabilities.

BACKGROUND

Updated Terminology

A recently enacted federal law, known as “Rosa’s Law” (P. L. 111-256), changes references in federal law from “mental retardation” to “intellectual disability” and from a “mentally retarded individual” to an “individual with an intellectual disability.”

The new edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) by the American Psychiatric Association, scheduled to take effect in May 2013, will change the term “mental retardation” to “intellectual disability” and the term “autistic disorder” to “autism spectrum disorder”

Related Bill

HB 6278, reported favorably by the Public Health Committee, substitutes the term “intellectual disability” for “mental retardation” and “autism spectrum disorder” for “autism” in the DDS statutes pertaining to its provision of autism services.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute Change of Reference

Yea 25 Nay 1 (03/14/2011)

Human Services Committee

Joint Favorable

Yea 18 Nay 0 (03/22/2011)